

REMARKS

Claim 9 is amended and new claims 30 and 31 are presented for examination.

The subject matter added to claim 9 is derived from paragraphs 0012 and 0014 of the Specification and from US patent application publication No. 2004/0109609 A1, which is the US counterpart of International Patent Application No. PCT/DE02/00995 cited in paragraph 0012.

The subject matter of new claim 30 is derived from paragraph 0012 of the Specification.

The subject matter of new claim 31 is derived from paragraph 0014 of the Specification.

Contingent Request for Telephone Interview

Applicant attempted to arrange a telephone interview with the Examiner in order to discuss the amendment to claim 9 presented herein prior to filing this Amendment. However, in view of the assignment of a new examiner to this application, it was decided to file this Amendment without first having such a telephone interview so that the newly assigned examiner would have an adequate opportunity to familiarize himself with the application and any issues presented by this Amendment. Accordingly, in lieu of having a telephone interview prior to filing this Amendment, applicant respectfully requests that should the Examiner believe that this Amendment presents any new issues not raised in the prior office action, the Examiner schedule a telephone interview to discuss these new issues prior to issuing a further office action by telephoning Edward W. Callan, the attorney named in the Authorization to Act in a Representative Capacity filed February 19, 2008. Mr. Callan's telephone number is 858-259-5533.

Specification

The specification is amended at paragraph 0012 to cite the United States patent and patent application publication counterparts of the German patent applications previously cited. The United States patent and the patent application publication counterparts do not contain any new matter with respect to the German patent applications previously cited.

The specification is amended at paragraph 0013 to incorporate by reference the disclosure of the United States patent and patent application publication counterparts of the German patent applications previously cited. The United States patent and the patent application publication counterparts do not contain any new matter with respect to the German patent applications previously cited.

Claim Objections

Claims 26-29 are amended by changing “graduation” to “gradation” as suggested by the Examiner.

Claim Rejections – 35 U.S.C. § 102

To the extent that the rejection of claims 9-12, 19-23 and 26 under 35 U.S.C. 102(e) as being anticipated by Wee is applicable to these claims following the amendment of claim 9, said rejection is respectfully traversed for at least the following reasons:

Wee does not use a key to selectively code or decode digital data that contains image data including an array of pixels that are prioritized by the steps of:

- a) determining a priority value for each pixel of the array by calculating a pixel difference value with the aid of the respective pixel value of the pixel in relation to the pixel values of a previously determined group of neighboring pixels;
- b) combining the pixels used for the calculation of priority value into a pixel group; and

c) sorting the pixel groups of the image array with the aid of their priority value, as required by amended claim 9.

The image data that Wee selectively codes or decodes by using a key is described as scalably coded data. Wee defines scalable coding as “a process which takes original data as input and creates scalably coded data as output, where the scalably coded data have the property that portions of it can be used to reconstruct the original data with various quality levels” (Column 8, lines 4-9 and again at column 9, lines 19-23). Wee uses variations of the term “encrypt” to refer to the process by which the scalably coded data is coded with a key. Wee’s scalable coding process does not include the prioritization steps required by amended claim 9 that are reproduced in the preceding paragraph.

Since claims 10-12, 19-23 and 26 all ultimately depend from claim 9, Applicant submits that they are not anticipated by Wee for at least the same reasons as set forth above explaining why claim 9 is not anticipated by Wee.

Claim Rejections – 35 U.S.C. § 103

The rejection of claims 13-18, and 24 under 35 U.S.C. 103(a) as being unpatentable over Wee as applied to claim 9, in view of Harper, is respectfully traversed for at least the same reasons as set forth above for traversing the rejection under 35 U.S.C. 102(e). Harper does not describe or suggest the prioritization process required by claim 9 that is not disclosed by Wee. Harper does not discuss prioritization of the data that is to be encoded. Harper was cited as disclosing the encryption/coding processes recited in claims 13-18 and for disclosing files containing image data, video data or audio data, as recited in claim 24.

New Claims 30 and 31

These new claims depend from claim 9 and are believed to be patentable for at least the same reasons as claim 9.

Amendment of Claims 22-25

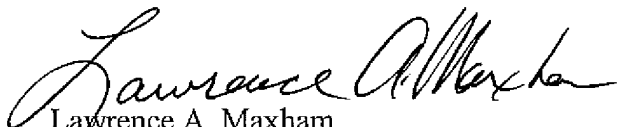
Claims 22-25 are amended by changing "files" to "digital data" because there was no antecedent for "files."

CONCLUSION

Applicant does not necessarily agree with any of the Examiner's comments regarding the applicability of the cited references to any of the claims. However, in view of the reasons presented herein for the patentability of the subject matter of the currently pending claims, applicant is not presenting additional arguments for traversing the rejections of the claims at this time. Applicant reserves the right to present additional arguments for traversing the present and any future rejections of the claims.

Examination and allowance of the pending claims are respectfully requested. Should any issues remain, Mr. Seth is invited to telephone the undersigned attorney.

Respectfully submitted,
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